

LINDA TROJECKI and
MICHAEL TROJECKI, h/w,
Plaintiffs,
vs.
THE UNITED STATES OF AMERICA,
Defendant.

AND NOW, this 5th day of March, 2013, upon consideration of the Motion of Defendant, The United States of America, to Exclude the Expert Testimony of John S. Posusney, P.E., and for Summary Judgment (Dkt. No. 26) filed on January 7, 2013, Plaintiff's Response (Dkt. No. 29) filed on January 24, 2013, and Defendant's Reply Brief (Dkt. No. 32) filed on March 5, 2013; and for the reasons expressed in the foregoing Memorandum,

IT IS ORDERED that Defendant's Motion for Summary Judgment is **GRANTED** as uncontested as to Count II of Plaintiff's Complaint. In all other respects, Defendant's Motion for Summary Judgment is **DENIED**.

/s/ Henry S. Perkin
HENRY S. PERKIN
United States Magistrate Judge